

# JUDGE BUCHWALD

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

HIGHLAND PARK CDO I GRANTOR TRUST,  
SERIES A

### SUMMONS IN A CIVIL ACTION

v.

MATTHEW STUDER, FRED GRAFT, ERNIE  
MALAS, and PETER CORATOLA,

CASE NUMBER: 08 CV

08 CV 01670

TO: (Name and address of Defendant)

Fred Graft  
1123 Worthington Heights  
Columbus, OH 43235

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Michael Stolper  
Orrick, Herrington & Sutcliffe LLP  
666 Fifth Avenue  
New York, NY 10103  
212-506-5000

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 20 2008

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	February 22, 2008
NAME OF SERVER (PRINT)	TITLE	Law Clerk

*Check one box below to indicate appropriate method of service*

- Served personally upon the defendant. Place where served:
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left:
- Returned unexecuted:

Other (specify): *See Attached*

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
		\$0.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 2/26/2008  
Date

*M. Z.*  
*Signature of Server*

Manhattan, New York  
*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

ORRICK, HERRINGTON & SUTCLIFFE LLP  
666 Fifth Avenue  
New York, New York 10103  
Telephone: (212) 506-5000  
Facsimile: (212) 506-5151

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HIGHLAND PARK CDO I GRANTOR  
TRUST, SERIES A

Plaintiff,

v.

MATTHEW STUDER, FRED GRAFT, ERNIE  
MALAS, and PETER CORATOLA,

Defendants.

08 Civ. 01670 (NRB)(JCF)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )

: ss.:

COUNTY OF NEW YORK )

Robinson Howard, being duly sworn, deposes and says:

1. I am over the age of 18 years and am not a party to this action, and am employed by Orrick, Herrington & Sutcliffe LLP.
2. On the 22nd day of February, 2008, I served by Certified Mail, Return Receipt Requested, a true copy of the Summons In A Civil Action, Complaint, Civil Cover Sheet, Rule 7.1 Statement, Individual Practice Rules of Judge Buchwald and Magistrate Judge Francis and Guidelines and Procedures for Electronic Case Filing upon the following:

Fred Graft  
1123 Worthington Heights  
Columbus, OH 43235

by placing the same in a sealed envelope postage prepaid, addressed to the above in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

3. Pursuant to the contract, attached as Exhibit C to the Complaint, Defendant Fred Graft consents to service by Certified Mail. A copy of the Certified Mail Receipt is attached to this Affidavit of Service.

R H

Robinson Howard

Sworn to before me this  
26th day of February, 2008

Thomas Backiel

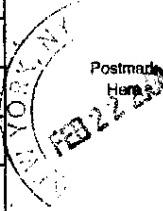
Notary Public

THOMAS BACKIEL  
Notary Public, State of New York  
No. 01BA6083754  
Qualified in Queens County  
Commission Expires Nov. 25, 2010

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

4756 4558 0002 0710 0007

For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$ 5.30
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 10.10


  
Postmark  
Columbus, OH  
Feb 22, 2008

Sent To	Fred Grant
Street, Apt. No.; or PO Box No.	1123 Washington Heights
City, State, ZIP+4	Columbus OH 43235

PS Form 3800, August 2006. See Reverse for Instructions

**Certified Mail Provides:**

- A mailing receipt
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- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
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- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuable items, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a *Return Receipt* (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047